

LVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PARKWAY
SUITE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000

ALVERSON TAYLOR & SANDERS
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
DAVID M. SEXTON, ESQ.
Nevada Bar No. 14951
6605 Grand Montecito Parkway, Suite 200
Las Vegas, Nevada 89149
(702) 384-7000
efile@alversontaylor.com
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

EMILY SEARS, NAJOME COLON a/k/a GIA
MACOOL, RACHEL BERNSTEIN a/k/a
RACHEL KOREN, LUCY PINDER, and
MARIANA DAVALOS

Plaintiffs,

vs.

RUSSELL ROAD FOOD AND BEVERAGE,
LLC d/b/a CRAZY HORSE III
GENTLEMEN'S CLUB; and SN
INVESTMENT PROPERTIES, LLC d/b/a
CRAZY HORSE III GENTLEMEN'S CLUB

Defendants.

Case No. 2:19-cv-01091-APG-NJK

**STIPULATION AND ORDER TO
ALLOW PLAINTIFF
REPRESENTATIVE TO REPRESENT
ALL PLAINTIFFS AT SETTLEMENT
CONFERENCE**

COMES NOW Plaintiffs, EMILY SEARS, NAJOME COLON aka GIA MACOOL, RACHEL BERNSTEIN a/k/a RACHEL KOREN, LUCY PINDER¹ and MARIANA DAVALOS, (“Plaintiffs”) by and through their counsel of record, KURT R. BONDS, ESQ. and DAVID M. SEXTON, ESQ. of ALVERSON TAYLOR & SANDERS and Defendants, RUSSELL ROAD FOOD AND BEVERAGE, LLC d/b/a CRAZY HORSE III GENTLEMEN’S CLUB, (“Defendants”), and C.M. INVESTMENT PROPERTIES, LLC, (“CMI”),

¹ Lucy Pinder was previously dismissed from this matter. [Dkt. 46].

1 (collectively with Russell Road, "Defendants") by and through its counsel of record, JEFFERY
2 A. BENDAVID, ESQ. and STEPHANIE J. SMITH, ESQ. of BENDAVID LAW, and
3 respectfully submit the following stipulation requesting that the Court allow one Plaintiff with
4 settlement authority to represent all named Plaintiffs in this matter at the Settlement Conference
5 currently scheduled for May 28, 2021 at 9:00 AM.
6

7 **I.**

8 **INTRODUCTION**

9 This case is a dispute that revolves around the alleged misappropriation of Plaintiffs'
10 images by Defendants, which Defendants fully dispute. The Parties have performed significant
11 discovery in this matter and submitted a stipulated request for a Settlement Conference to this
12 Court on March 30, 2021. *See* ECF No. 65. The Court granted that stipulation and scheduled this
13 matter for a Settlement Conference on May 28, 2021 at 9:00 AM. *See* ECF Nos. 67, 68 & 69.
14 The Parties have discussed and agree that allowing the Plaintiffs to nominate one Plaintiff to
15 represent all Plaintiffs at the Settlement Conference will allow the Settlement Conference to
16 proceed in a timely and efficient manner. Pursuant to the agreement of the Parties regarding
17 allowing one Plaintiff to represent all Plaintiffs at the Settlement Conference, the Parties submit
18 this stipulation to the Court to request the Court's approval of this agreement and to allow one
19 Plaintiff to appear at the Settlement Conference to represent all Plaintiffs.
20
21

22 **II.**

23 **PARTICIPATION IN SETTLEMENT CONFERENCE**

24 The Court granted the Parties' stipulation regarding a Settlement Conference on April 1,
25 2021. *See* ECF No. 67. In the Court's Order Setting Settlement Conference, the Court ordered
26 that all individual parties must participate in the settlement conference. *See* ECF No. 69.
27 Following the entry of this Order, counsel for all Parties conferred and it was agreed between all
28

1 Parties and their respective counsel that, if the Court would permit it, Plaintiffs would be
2 represented by a single Plaintiff at the Settlement Conference, as long as this Plaintiff was
3 authorized to represent the interests of all Plaintiffs and had authority to settle the matter for all
4 Plaintiffs.

5 There are four Plaintiffs remaining in this matter, and they live in multiple different time
6 zones in the United States and other countries, including Colombia. This makes it difficult for all
7 Plaintiffs to participate in a Settlement Conference at the same time. Along with the challenge of
8 multiple times zones, just trying to coordinate the schedules of four Plaintiffs, two Defendants,
9 and their respective counsel (as well as a translator for Plaintiff Mariana Davalos) could
10 potentially prove a significant obstacle. In order to avoid these issues and move forward with this
11 case and the Settlement Conference in a timely and efficient manner, the Parties have discussed
12 options and agree that allowing one Plaintiff to participate as a representative of the other
13 Plaintiffs, and with full authority to speak for them and settle on their behalf, is the best solution.
14 The claims alleged by each Plaintiff are very similar (i.e., that their images were misused without
15 permission, authority, or compensation in violation of state and Federal law, which Defendants
16 dispute) which reduces any problems that might otherwise arise from allowing one Plaintiff to
17 represent all four Plaintiffs. The Parties and their counsel have discussed this stipulation and
18 agree that it is in the best interest of all Parties for the Court to allow this request. The Parties and
19 their counsel further affirm that this stipulated request is made in good faith and not for any
20 unfair or improper purpose.

24 **III.**

25 **CONCLUSION**

26 Based on the foregoing, the Parties hereby stipulate and agree to allow one Plaintiff to be
27 appointed as a representative of all Plaintiffs and appear at the Settlement Conference in this
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matter on behalf of all Plaintiffs. The Plaintiff representative will have full authority to speak for all Plaintiffs and agree to a settlement on behalf of all Plaintiffs. The Parties make this request pursuant to the Order of the Court stating that all Parties must appear at the Settlement Conference unless otherwise ordered by the Court. The Parties respectfully request that this Court grant the foregoing stipulation.

IT IS SO STIPULATED.

Dated: May 20, 2021

ALVERSON TAYLOR & SANDERS

By: /s/ David M. Sexton, Esq.

DAVID M. SEXTON, ESQ.

Nevada Bar No. 14951

6605 Grand Montecito Parkway, Suite 200

Las Vegas, Nevada 89149

Attorneys for Plaintiffs

Dated: May 20, 2021

BENDAVID LAW

By: /s/ Stephanie J. Smith

STEPHANIE J. SMITH, ESQ.

Nevada Bar No. 11280

7301 Peak Dr., Suite 150

Las Vegas, Nevada 89128

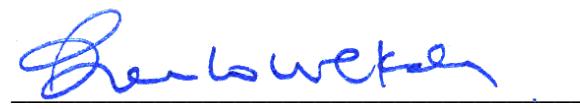
Attorneys for Defendants

ORDER

IT IS ORDERED that the parties' stipulation is GRANTED in part and DENIED in part as follows: only 1 plaintiff need appear at the upcoming settlement conference; the attendance of the remaining plaintiffs is excused on the basis of good cause, but only on condition that plaintiffs' counsel--not plaintiff--obtain full settlement authority for the nonappearing plaintiffs. IT IS FURTHER ORDERED that plaintiffs' counsel must file a notice with the Court by May 27, 2021, informing the Court whether counsel was able to obtain full settlement authority on behalf of the nonappearing plaintiffs.

IT IS SO ORDERED.

DATED: May 25, 2021


UNITED STATES MAGISTRATE JUDGE